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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,058	12/12/2000	Janet A. Barnett	13361	4588

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EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		09/735,058	BARNETT ET AL.
		Examiner	Art Unit	
		Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail.Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This is in reference to communication received 28 June 2007. Claims 1-9 and 11

received with the response received 10 January 2007 are pending for examination.

Response to Arguments

In response to applicant's argument that applicant's invention is novel technique

for performing task such as service registration, event notification and dynamic

downloading. However, applicant has not positively claimed dynamic downloading as

their claimed invention. Applicant's claimed invention of service such as notification is

old and known to one of ordinary skill in the art, for example, America Online using

notification such as "You Got Mail" to user before user making a request whether there

is any mail for the user.

Applicant's other arguments and concerns are responded to in response to

pending amended claims 1 – 9 and 11 below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 1 – 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As currently claimed by the applicant, it is not clear whether the web server authenticates the use prior to providing access control information to the browser of the user because in view of the specification it is deemed that the server authenticates the user to provide access control information. In addition, applicant has not positively claimed how the Lookup Server, based on the access control information is able perform dynamic notification because Lookup Server is not provided with the access control information.

Further in claims 8, 9 and 11, applicant has not positively claimed whether lookup server communicates with the Lookup Server retrieves the user information from the database, or, some other means retrieves the user information and communicates it the Lookup Server.

Claims 1 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

Means for authenticating user for providing access control information

Means for communicating user access control information to the Lookup Server.

Means for tracking, based upon the access control information, what services are available to the user.

Claims 8, 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

Means for authenticating user to determine what notification should be provided to the user.

Means for knowing when there is an updated or new ecommerce services available9

Means for receiving user, group and service information which are stored in the database.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. US Patent 6,892,226 hereinafter known as Tso in view of PointCast.com hereinafter known as PointCast.

Regarding claim 1, Tso teaches system for delivering content to a client device,

where such delivery is not in response to a specific request for such content. Tso

teaches concept of:

a web server in communication with a browser of the user, the web server

providing access control information to the browser of the user.

Tso does not specifically teach means for providing eCommerce service.

However, PointCast teaches concept of providing eCommerce service (e.g. news,

bulletin, solicitation).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Tso as taught PointCast to generate revenue by

displaying advertising, updated/current information, etc. to user.

Tso in view of PointCast teaches:

a Lookup Server configured to provide dynamic notification to the browser of the

user of the availability of the eCommerce service wherein the dynamic notification

occurring before a command requesting availability information is received from the

user.

Regarding claim 2, Tso in view of PointCast teaches remote event notification of

eCommerce service [PointCast, page 2-6].

Regarding claim 3, Tso in view of PointCast does not specifically teach use of a

variety of payment models for facilitating transactions and dynamic pricing. However,

using of payment models and dynamic pricing is old and known to one of ordinary skill in the art. For example, Amazon.com. However, PointCast teaches capability to soliciting users to visit an external website by activating the solicitation window on the browser [PointCast, page 12].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Tso in view of PointCast is capable providing payment models and dynamic pricing by providing link to service providers capable of providing payment models and dynamic pricing.

Regarding claim 4, Tso in view of PointCast teaches capability wherein user access to the eCommerce service registered with said web server is controlled by exchange of a client applet between the user and said web server

Regarding claim 5, Tso in view of PointCast teaches capability wherein user information received from the user is compared by said web server with corresponding stored user information in Tso in view of PointCast server.

Regarding claim 6, Tso in view of PointCast teaches capability wherein web server provides for the sale of commercial software products [PointCast, page 12].

Regarding claim 7, Tso in view of PointCast does not teach their platform is Jini

based. However, applicant is claiming using commercially available product to

implement their computing platform as their claimed invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made that computer applications can be implemented using

commercially available products to minimize cost of maintaining proprietary application

generation tools.

Claims 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tso et al. US Patent 6,892,226 hereinafter known as Tso in view of PointCast.com

hereinafter known as PointCast and "IBM DCE V3.1 for AIX and IBM DCE V3.1 for

Solaris" which was cited in previous office action(s).

Regarding claim 8, Tso teaches providing remote access to services available on

a network [Tso, Fig.1 and disclosure associated with the Figure] Tso teaches:

a network server;

at least one client browser in communication with the network server;

Tso does not explicitly teach means for providing eCommerce service. However,

PointCast teaches concept of providing eCommerce service (e.g. news, bulletin,

solicitation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tso as taught PointCast to generate revenue by displaying advertising, updated/current information, etc. to user.

Tso in view of PointCast teaches concept of:

server in communication with the network server

jobs executable by network server

a database in communication with the network server. Tso in view of Pointcast database capable to store user, group and services information, said database storing at least client

a Lookup server.

wherein the availability of services are dynamically notified to said client browser by said Lookup Server through data provided by said network server to said client browser based on stored user information of said client browser and the user, group and services information accessed in the database.

Tso in view of PointCast does not teach computationally intensive jobs are distributed as directed for execution by the LoadBalancer/ComputeServer(s). However, IBM teaches Distributed Computing Environment (DCE) which is capable of distributing computationally intensive jobs for execution to get results faster.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tso in view of PointCast as taught by IBM and use DCE to distribute computationally intensive jobs for execution to get results faster.

wherein dynamically notified means that the availability of the service is notified

to the client browser before a command requesting information is received from the

client browser.

Regarding claim 9, as responded to earlier, Tso in view PointCast and IBM teach

capability for providing a client applet to use commercially available software technology

(applicant is claiming using of Java applet as their claimed invention).

Regarding claim 11, as responded to earlier, Tso in view PointCast and IBM

teach capability wherein database is a lightweight directory access protocol (LDAP)

database (applicant is claiming using LDAP database for storing information as their

invention).

Conclusion

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Naresh Vig
Examiner
Art Unit 3629

August 14, 2007